

HB 1690 -- CRIMINAL NONSUPPORT

SPONSOR: May

COMMITTEE ACTION: Voted "do pass" by the Committee on General Laws by a vote of 9 to 0.

This bill defines "arrearage" as the amount of money created by a failure to provide support to a child as required under an administrative or judicial support order or support to an estranged or former spouse if the judgement or order for spousal support also requires the payment of child support and the individual receiving the spousal support is the custodial parent. The arrearage must reflect any retroactive support ordered under a modification, any judgments entered by a court or any authorized agency, and any satisfactions of judgment filed by the custodial parent.

Currently, criminal nonsupport is a class D felony if the total arrearage is in excess of 12 monthly payments. The bill changes it to if the total arrearage is in excess of 18 monthly payments.

A person may petition the court for the expungement of the criminal records of a first felony offense of criminal nonsupport. The expungement of a record is allowed only when at least eight years have elapsed since the person requesting expungement has completed his or her imprisonment or period of probation; the person has not been convicted of or been placed on probation for any felonies during the same period; is current on all child support obligations; has paid off all arrearages; has no other criminal charges or administrative child support actions pending at the time of the hearing on the application for expungement; and the person has successfully completed a criminal nonsupport courts program under Section 478.1000, RSMo.

If a court grants the order of expungement, the records and files maintained in any court proceeding in an associate circuit or circuit court for the offense ordered expunged will be confidential and only available to the parties or by the order of the court for good cause shown. An individual is only allowed to have one petition for expungement granted under these provision.

FISCAL NOTE: No impact on state funds in FY 2013, FY 2014, and FY 2015.

PROPOSERS: Supporters say that the bill allows a person to have his or her conviction of non-support regarding child support to be expunged in certain instances. This would give a person something to work toward, show his or her commitment to making these payments, and hopefully lead to more child support payments

being successfully paid.

Testifying for the bill were Representative May; Michael Russo, Fathers 4 Justice USA; and Ibbaanika Bond.

OPPONENTS: There was no opposition voiced to the committee.